

42.63 EXHIBIT I FORM OF 168 – GENERAL INFORMATION FOR APPLICANTS FOR IMMIGRANT VISAS



GENERAL INFORMATION FOR APPLICANTS FOR IMMIGRANT VISAS

GENERAL CATEGORIES OF IMMIGRANTS

Persons immigrating to the United States are divided by U.S. immigration law into two general categories: (I) those who may obtain legal permanent residence status without numerical limitation, and (II) those who are restricted by an annual limitation on the number of persons who may enter as permanent residents. The latter category is further divided into (A) family sponsored immigrants, (B) employment based immigrants, and (C) diversity immigrants.

I. IMMIGRANTS NOT NUMERICALLY LIMITED

A. Immediate Relatives of United States Citizens: The spouse and minor unmarried children of a United States citizen, and the parents of a United States citizen who is over the age of twenty-one.

B. Returning Residents: Immigrants who lived in the United States previously as lawful permanent residents and are returning to live in the United States after a temporary visit of more than one year abroad.

II. IMMIGRANTS SUBJECT TO NUMERICAL LIMITATIONS

A. FAMILY-SPONSORED IMMIGRANTS: The family-based preference classes are entitled to a minimum of 226,000 immigrants each year. Each of the classes is entitled to a specific proportion of that number, with minimum numbers shown in parentheses below. If there are insufficient applicants in any class to use all of the numbers set aside for it, those numbers become available to immigrants in other family-based classes.

1. First Preference: Unmarried sons and daughters of U.S. citizens, and children if any. (23,400)

available to the spouses and minor children of legalized aliens

2. Second Preference: Spouses, children, and unmarried sons and daughters of lawful permanent resident aliens (114,200). NOTE: At least seventy-seven percent of all visas available for this category will go to the spouses and children; the remainder will be allocated to unmarried sons and daughters. (Each year between October 1, 1991, and September 30, 1994, up to 55,000 additional immigrant visas shall be made

3. Third Preference: Married sons and daughters of U.S. citizens, and their spouses and children. (23,400)

4. Fourth Preference: Brothers and sisters of United States citizens, and their spouses and children, provided the U.S. citizens are 21 years of age or over. (65,000)

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B. EMPLOYMENT-BASED IMMIGRANTS: A total of 140,000 immigrant visas yearly are available for this category which is divided into five preference groups: (Percent of yearly limit in parentheses)

1. **Priority Workers:** Persons of extraordinary ability in the sciences, arts, education, business, or athletics; outstanding professors and researchers; and certain multinational executives and managers (28.6%).

2. **Members of the Professions:** Professionals holding advanced degrees, and persons of exceptional ability in the sciences, arts, and business (28.6%).

3. **Professionals, Skilled and Unskilled Workers:** Professionals holding baccalaureate degrees, skilled workers with at least two years experience, and other workers whose skills are in short supply in the United States (28.6%).

(Unskilled workers are subject to a sublimit of 10,000.)

4. **Special Immigrants:** Certain religious workers and ministers of religion, certain international organization employees and their immediate family members, and specially qualified and recommended current and former employees of the United States Government (7.1%).

5. **Investors:** Persons who create employment for at least ten unrelated persons by investing capital in a new commercial enterprise in the United States. The minimum amount of capital required is between \$500,000 and \$1,000,000, depending on the employment rate in the geographic area (7.1%).

C. DIVERSITY TRANSITION IMMIGRANTS: Each year between October 1, 1991 and September 30, 1994, 40,000 immigrant visas shall be made available to natives of foreign states identified as having been adversely affected by previous provisions of the immigration law. Applicants for this category of visa must have a firm commitment for employment in the United States. Applicants will be registered during a specified annual application period.

DIVERSITY IMMIGRANTS: Beginning October 1, 1994, 55,000 immigrant visas shall be made available annually to natives of foreign states which the U.S. Attorney General has determined to have had a previous low ratio of immigrants admitted under the other sections of the immigration law. Such immigrants will be identified by random selection each year by the Secretary of State from among persons who submit applications during a specified period. Applicants for diversity immigrant status must have a high school education or 2 years of recent work experience in a skilled job.

STEPS TO BE TAKEN IN APPLYING FOR IMMIGRANT VISAS

In general any applicant for an immigrant visa must be the beneficiary of an approved petition. Certain applicants such as priority workers, investors, certain special immigrants, and diversity immigrants can petition on their own behalf. All other intending immigrants must have a relative or potential employer petition for them.

1. Applicants for family-sponsored immigrant visas who believe they are entitled to immigrant status based on a relationship to a United States citizen or lawful resident alien (see I(A) and II(A)(1-4) above), should request that relative to file a petition (Form I-130) with the nearest office of the Immigration and Naturalization Service in the United States. In some cases, if the American citizen sponsor is residing abroad, he

or she may file the petition with the Immigration Service officer or a U.S. consular officer at an American Embassy or Consulate.

2. Applicants for employment-based immigrant visas (see II(B)(1-3) above), who believe they are entitled to immigrant status based on proposed employment in the United States, require an approved petition (Form I-140) from the Immigration and Naturalization Service in the United States. Persons described in II(B)(1) as Priority Workers may petition on their own behalf with the Immigration and Naturalization Service, while others must have their prospective employers file the petitions. Prior to filing a petition with the Immigration Service, applicants for classification under II(B)(2&3) as members of the professions, professionals, skilled and

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unskilled workers, must obtain certifications from the Department of Labor that there are no qualified workers available for the proposed employment in the United States.

3. Special immigrant returning residents described in Part I(B) above must apply to a United States consular office abroad. United States government employees described in Part II(B)(4) above must petition to the Secretary of State through a United States consular office abroad. All other special immigrants described in Part II(B)(4) above must file a Form I-360 with an office of the U. S. Immigration and Naturalization Service.

4. An investor described in Part II(B)(5) above must file a Form I-526 petition with the Immigration and Naturalization Service.

5. Diversity Transition Immigrants described in Part II(C) above must file an application with the Secretary of State. Provisions for submission of registration applications will be announced by the Department of State in advance of each year's application period. Only one such application may be filed each year. Aliens who qualify through random selection must apply for and receive their visas within one year of selection.

The consular office will advise the beneficiary of the petition (the applicant for a visa) when it is received from the approving office. The consular office will give the visa applicant further instructions to follow at that time.

PERSONS INELIGIBLE TO RECEIVE VISAS

The immigration laws of the United States, in order to protect the health, welfare, and security of the United States, prohibit the issuance of a visa to certain applicants. Examples of applicants who must be refused visas are those who: have a communicable disease such as tuberculosis, or have a dangerous physical or mental disorder, or are drug addicts; have committed serious criminal acts, including crimes involving moral turpitude, drug trafficking, and prostitution or procuring; are terrorists, subversives, members of a totalitarian party or former Nazi war criminals; are likely to become public charges in the United States; have used fraud or other illegal means to enter the United States; or are ineligible for citizenship. Former exchange visitors must live abroad 2 years and physicians who intend to practice medicine must pass a qualifying exam before receiving immigrant visas.

If any of the foregoing restrictions might apply, then a statement regarding the facts should be submitted to the consular officer. The consular officer will then advise the applicants if the law provides for some form of relief, such as a waiver of ineligibility.

NOTE: Applicants are required to swear or affirm to the truth and accuracy of a visa application at the time of formal application and to submit certain documentary evidence to establish eligibility for the visa. These statements and the evidence will be carefully examined. It should be understood that willful misrepresentation of a material fact in connection with a visa application may result in a permanent bar to entry into the United States, or deportation if admitted into the United States.

OTHER IMPORTANT INFORMATION

1. DOCUMENTS REQUIRED IN SUPPORT OF A VISA APPLICATION

All applicants must submit certain personal documents such as passports, birth certificates, police certificates, and other civil documents, as well as evidence that they will not become public charges in the United States. The consular officer will inform visa applicants of the documents needed as their applications are processed.

2. MEDICAL EXAMINATIONS

Before the issuance of an immigrant visa, every applicant, regardless of age, must undergo a medical examination. The examination will be conducted by a doctor designated by the consular officer. Costs for such examinations must be borne by the applicant.

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3. VISA FEES

The cost of each formal immigrant visa application is listed under Consular Tariff Item No. 20, and the cost of each issued immigrant visa is listed under Tariff Item No. 21. Schedules of Fees are posted in all U.S. Consular Offices. Fees must be paid by, or on behalf of, each intending immigrant regardless of age, and are not refundable. Local currency equivalents are acceptable. Fees should not be sent to the consular office unless specifically requested. The Immigration and Naturalization Service charges additional fees for filing petitions.

4. NUMERICAL LIMITATIONS

In addition to the numerical limitations for each category of immigrant visa described in Section II above, there are limits on various sub-preferences, as well as limits on the number of immigrant visas per year which can be issued to natives of any single country. Some of these numerical limits are based on formulas which change in relationship to each other, so that it is not possible to state a specific figure for each sub-category.

Whenever there are more qualified applicants for a category than there are available numbers, the category will be considered oversubscribed, and immigrant visas will be issued in the chronological order in which the petitions were filed until the numerical limit for the category is reached. The filing date of a petition becomes the applicant's priority date. Immigrant visas cannot be issued until an applicant's priority date is reached. In certain heavily oversubscribed

categories, there may be a waiting period of several years before a priority date is reached.

5. MISCELLANEOUS

Since no advance assurances can be given that a visa will be issued, applicants are advised **not** to dispose of their property, and **not** to give up their jobs until visas have been issued to them. An immigrant visa is valid for 4 months from date of issuance.

Persons born in countries other than the United States may have a claim, under United States law, to United States nationality if:

(a) Either parent was born or naturalized in the United States.

(b) Either parent was a United States citizen at the time of birth of the applicant.

With few exceptions, a person born in the United States has a claim to United States citizenship. Any applicant believing that he or she may have a claim to United States citizenship should **not** apply for a visa until his or her citizenship has been determined. The applicant should inform the consular office immediately of a citizenship claim so that steps can be taken to determine if the applicant is entitled to a U.S. passport rather than an immigrant visa.

Further information about the specific categories of immigrant visas listed above are available from the nearest American consular office. Applicants for immigrant visas who have questions not answered in this information sheet may communicate with the nearest consular office.

